

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 329 OF 2015**

Pintya Kamlakar Pared	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Ratna R. Jaiswal for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Mr. P. A. Pawar from Waliv Police Station is present

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 12TH MARCH, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-337 of 2012 registered with Waliv Police Station, Thane for the alleged offences punishable under Sections 143, 144, 146, 147, 148, 149, 324, 325, 326, 451, 452, 385 and 427 of the Indian Penal Code.

3. According to the prosecution, the incident in question took place on 24th October, 2012 at about 7.00 to 7.30 p.m. It is alleged that 40 to 50 persons had gathered near the gate of the Classic Foods Pvt. Ltd., Nagale, Taluka Vasai, District Thane, including the 12 named persons in the FIR and all the accused are alleged to have pelted stones and damaged the property worth Rs. 1,00,000/-. The accused are also alleged to have assaulted the owner Mr. Kiran Dedia and other employees with rod, sticks and wooden logs. It is pertinent to note that the name of the present applicant finds place in the FIR.

4. The learned Counsel for the applicant submits that no overt act has been attributed to the applicant and till date, the applicant has not been arrested, despite the fact, that the incident is of October, 2012. She submits that therefore the applicant is entitled to be enlarged on bail, in the event of his arrest.

5. Learned A.P.P has opposed the bail application. She submitted that the applicant had initially suppressed the first bail application filed by him in the lower Court and the same is reflected in the order dated 24th

February, 2015 passed by the learned Additional Sessions Judge, Vasai, below Exhibit 1 in Anticipatory Bail Application No. 87 of 2015.

6. Perused the papers. Considering the fact, that the applicant's name finds place in the FIR and the fact that the owner as well as some other employees have sustained injuries, the custody of the applicant is necessary. What is disturbing to note, is that the applicant had preferred an application before the Learned Sessions Judge seeking anticipatory bail in October, 2014, which was rejected. The said order has not been challenged before this Court and as such, the same has attained finality. In fact, the applicant had suppressed the order dated 13th October, 2014 passed below Exhibit No.1 in Anticipatory Bail Application No. 501 of 2014 when the applicant had preferred another application seeking anticipatory bail being Anticipatory Bail Application No. 87 of 2015.

7. Merely because charge-sheet is filed, by itself, cannot be a ground to grant any interim protection to the applicant. Considering the material on record and the conduct of the applicant, no indulgence is called for. Application is accordingly dismissed.

8. It is made clear, that if an application for regular bail is filed by the applicant, the same shall be considered by the learned Judge, on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.